

SENATE BILL 621

E4

11r1315

By: **Senators DeGrange, Jacobs, Shank, and Stone**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Division of Correction and Division of Parole and Probation – Reports and**
3 **Records – Inmate’s Place of Birth**

4 FOR the purpose of requiring a certain case record that is assembled by the Division of
5 Correction for an inmate to include certain information on the place of birth of
6 the inmate under certain circumstances; requiring the Division of Correction to
7 forward certain information from a case record to the United States
8 Immigration and Customs Enforcement Agency if the case record indicates that
9 the individual is foreign born; requiring the Division of Parole and Probation to
10 forward certain information from a certain presentence investigation report to
11 the United States Immigration and Customs Enforcement Agency if the
12 presentence investigation report indicates that the individual who is the subject
13 of the report is foreign born; and generally relating to reports and records of the
14 Division of Correction and the Division of Parole and Probation.

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 3–601(a) and 6–112(a)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 BY adding to
21 Article – Correctional Services
22 Section 3–601(f)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-601.

2 (a) Promptly after an inmate is sentenced to the jurisdiction of the Division,
3 the Division shall assemble an adequate case record for the inmate that includes:

4 (1) a description of the inmate;

5 (2) a photograph of the inmate;

6 (3) the family history of the inmate;

7 (4) any previous record of the inmate;

8 (5) a summary of the facts of each case for which the inmate is serving
9 a sentence; **[and]**

10 (6) the results of the physical, mental, and educational examination of
11 the inmate required under subsection (b) of this section; **AND**

12 **(7) IF INFORMATION REGARDING THE PLACE OF BIRTH OF THE**
13 **INMATE WAS NOT COLLECTED AS PART OF A PRESENTENCE INVESTIGATION,**
14 **THE PLACE OF BIRTH OF THE INMATE.**

15 **(F) IF A CASE RECORD INDICATES THAT AN INMATE IS FOREIGN BORN,**
16 **THE DIVISION SHALL FORWARD TO THE UNITED STATES IMMIGRATION AND**
17 **CUSTOMS ENFORCEMENT AGENCY:**

18 **(1) THE NAME OF THE INMATE;**

19 **(2) THE INFORMATION COLLECTED ABOUT THE INMATE'S PLACE**
20 **OF BIRTH; AND**

21 **(3) THE SUMMARY OF THE FACTS OF EACH CASE FOR WHICH THE**
22 **INMATE IS SERVING A SENTENCE.**

23 6-112.

24 (a) (1) On request of a court, a parole and probation agent of the Division
25 shall:

26 (i) provide the court with a presentence investigation report;

27 (ii) conduct other investigations; and

28 (iii) perform other probationary services.

1 (2) Except on court order, a presentence investigation report is
2 confidential and is not available for public inspection.

3 (3) On request, a presentence investigation report shall be made
4 available to:

5 (i) the defendant;

6 (ii) the defendant's attorney;

7 (iii) the State's Attorney;

8 (iv) a correctional facility;

9 (v) a parole, probation, or pretrial release official of this State,
10 any other state, or the United States;

11 (vi) a public or private mental health facility located in this
12 State or any other state if the individual who is the subject of the report has been
13 committed, or is being evaluated for commitment, to the facility for treatment as a
14 condition of probation; or

15 (vii) a community substance abuse treatment provider located in
16 this State or any other state if the individual who is the subject of the report will be
17 treated or evaluated for treatment by the provider as a condition of probation.

18 **(4) IF A PRESENTENCE INVESTIGATION REPORT INDICATES THAT**
19 **THE INDIVIDUAL WHO IS THE SUBJECT OF THE REPORT IS FOREIGN BORN, THE**
20 **DIVISION SHALL FORWARD TO THE UNITED STATES IMMIGRATION AND**
21 **CUSTOMS ENFORCEMENT AGENCY:**

22 **(I) THE NAME OF THE INDIVIDUAL;**

23 **(II) THE INFORMATION COLLECTED ABOUT THE**
24 **INDIVIDUAL'S PLACE OF BIRTH; AND**

25 **(III) A SUMMARY OF THE FACTS OF THE CASE FOR WHICH**
26 **THE INVESTIGATION IS BEING CONDUCTED.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.